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**From:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Sent:** 12/10/2020 6:48:01 PM  
**To:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**CC:** Creswell, Michael [Creswell.Michael@epa.gov]  
**Subject:** RE: Deliberative - ACHP Comments draft Programmatic Agreement & NHPA consultation  
**Attachments:** Draft 404 Programmatic Agreement (12-10-20) redline sak.docx

Matt,

**Ex. 5 Deliberative Process (DP)**

Let me know if you have any concerns about that approach.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Sent:** Thursday, December 10, 2020 12:46 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Creswell, Michael <Creswell.Michael@epa.gov>  
**Subject:** FW: Deliberative - ACHP Comments draft Programmatic Agreement & NHPA consultation

Here's an updated version of the PA that addresses Dave's comments. Please let us know your thoughts about Dave's highlighted comment.

Thanks,

Matt

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**From:** Ross, David P <ross.davidp@epa.gov>  
**Sent:** Thursday, December 10, 2020 10:29 AM  
**To:** Walker, Mary <walker.mary@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: Deliberative - ACHP Comments draft Programmatic Agreement & NHPA consultation

Deliberative

Thanks Mary. Yes, I was happy to see the additional detail regarding the ongoing work Florida will do to ensure tribal and cultural resource issues will be addressed throughout program implementation. Just a few nits and comments in the attached. Please move this forward and if there are not significant changes, I don't need to see this again. Thanks all!

Dave

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**From:** Walker, Mary <walker.mary@epa.gov>  
**Sent:** Thursday, December 10, 2020 10:22 AM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: Deliberative - ACHP Comments draft Programmatic Agreement & NHPA consultation

Thank you for this work. I spoke to Dave Ross a moment ago.

In brief, he is generally very pleased with this draft with some slight edits, which he will be sending along shortly. Ex. 5 Deliberative Process (DP)  
**Ex. 5 Deliberative Process (DP)** He noted that the document needs a final scrub for small things like consistency in capitalization...

Jeaneanne, if you want to go ahead and set the meeting with the parties for tomorrow – if you want to have it – you will have the needed input to create a final document in time to distribute by then.

Thanks for this work,  
Mary

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**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Wednesday, December 9, 2020 2:54 PM  
**To:** Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Walker, Mary <walker.mary@epa.gov>  
**Cc:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** Deliberative - ACHP Comments draft Programmatic Agreement & NHPA consultation

Deliberative

Dave, David and Mary,

Attached is a revised Programmatic Agreement. I have included a redline version and a version without redline. This revision addresses many of the issues raised by the consulting parties. Comments not addressed in the revision will be included in our response to comments.

One request that was made by ACHP and other consulting parties was for EPA to host another meeting on the PA. We recommend **Ex. 5 Deliberative Process (DP)**

Once we get your comments we will prepare a “final” revised draft, share it with ACHP and if we are on track with them schedule the meeting with the consulting parties for as soon as possible (hopefully Friday). Please let me know if you

are ok with this approach. During this time, we will also share the revision with the other signatories (FDEP and FL SHPO).

Note, that ORC and OGC staff are preparing a response to all comments raised by the consulting parties during the 106 consultation meetings and/or submitted to EPA in writing. It is our plan that after leadership review, the response to comments pertaining to a specific consulting party will be sent to that party. We also plan to include all RTCs, a summary of all of our NHPA 106 consultation efforts, and a copy of the final executed PA in a close-out letter to the ACHP. We have also included an announcement of the PA in our draft Federal Register Notice approving of FL's request to assume.

Please let me or Leif Palmer know if you have any questions.

Thanks  
Jeaneanne